UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,783	08/28/2001	Brian J. Petryna	PETRYNA 8	3916

			EXAMINER
27964	7590	08/23/2006	LEE, ANDREW CHUNG CHEUNG

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/940,783	PETRYNA, BRIAN J.
	Examiner	Art Unit
	Andrew C. Lee	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 June 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)　　　　　　　　Office Action Summary　　　　　　　Part of Paper No./Mail Date 20060817

DETAILED ACTION

Specification

1.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Regarding page 9, paragraph [0020], line 7, the hyperlink

http://www.dialogic.com/solution/4070web.htm, and page 13, paragraph [0031], line 7,

the hyperlink http://testmark.comn/callerid.htm should be deleted. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Scott et al. (US 6760324 B1) in view of Vander Meiden (US 6553116 B1).

Regarding claims 1, 8, 15, Scott et al. disclose the limitation of a system, method,

computer for automatically initiating a telephone call over a computer network (recited

"allows traffic originating on a circuit-switched network to be carried over a packet-

switched network; column 6, lines 24 – 29, Abstract, lines 1 – 6; Fig. 2, elements 202,

205, 207, 210, 215, 220, 205, 291), comprising: an address interceptor, associated with

a station of a circuit-switched telephone network (recited "Gateway server performing

bridging of calls between the traditional telecommunication network and IP network" as

an address interceptor, associated with a station of a circuit-switched telephone

network; Fig. 2, elements 220, 210, gateway server, column 8, lines 37 – 44; element

291, 292 "an ordinary telephone coupling to PSTN"; element 205, "PSTN"; column 11,

lines 45 – 55), that receives calling number identification signals from said circuit-

switched telephone network via a first telephone call (recited "ANI information or caller

ID information" as receives calling number identification signals from said circuit-

switched telephone network via a first telephone call; column 53, lines 51 – 58, column

61 , lines 1 – 8) and , Scott et al. do not disclose explicitly extracting therefrom a

destination address for a subsequent telephone call. Vander Meiden discloses the

limitation of extracting therefrom a destination address for a subsequent telephone call

(recited "extracted the called or terminating party's telephone number from the received

call connect message" as extracting therefrom a destination address for a subsequent

telephone call; column 5, line 17 – 21). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Scott et al. to include an

extracting therefrom a destination address for a subsequent telephone call such as that

taught by Vander Meiden in order to provide a system and method of call setup and call

connect messages which are ISDN (Q.931) call setup and call connect messages, and

also the call setup and call connect messages are ToL H.323 compliant call setup and

call connect messages (as suggested by Vander Meiden, see column 2, lines 10 – 14).

and a network call initiator, coupled to said address interceptor and associated with a

computer network terminal that employs said destination address to automatically

initiate said subsequent telephone call to said destination address via said computer

network terminal (column 7, lines 12 – 15; element "network lines" ; column 59, lines 60

– 65; column 61, lines 41 – 45; lines 17 – 19; lines 25 – 55; column 70, lines 15 – 35).

Regarding claims 2, 9, 16, Scott et al. disclose the limitation of a system, method,

computer as recited in claimed wherein said calling number identification signals and

said destination address are associated with a single location (recited "caller ID

information" as said calling number identification signals, and "Destination Number type

and Destination number Plan" as destination address are associated with a single

location; column 53, lines 51 – 58; column 61, lines 1 – 9).

Regarding claims 3, 10, 17, Scott et al. disclose the limitation of a system,

method, computer as recited in claimed wherein said destination address is selected

from the group consisting of: a telephone number (column 69, lines 37 – 41; column 70,

lines 2 – 8), an Internet Protocol address (column 39, lines 16 – 17), a Voice over

Internet Protocol (VoIP) gateway address (column 11, line 52; column 74, lines 3 – 5),

and a VoIP gateway address combined with a telephone number (column 73, lines 41 –

56; lines 66 – 67; column 74, lines 1 – 5).

Regarding claims 4, 11, 18, Scott et al. disclose the limitation of a system,

method, computer as recited in claimed wherein said computer network is the Internet

(Fig. 1B, element 120; Fig. 2, element 215; column 1, lines 56 – 57).

Regarding claims 5, 12, 19, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station leaves unanswered a call transmitting said calling number identification signals (column 53, lines 43 – 47; lines 51 – 58, elements Unanswered Rings, Caller ID information can be associated with each port of the MSI/SC).

Regarding claims 6, 13, 20, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals are associated with a second station, said second station hanging up after a predetermined number of unanswered rings (column 50, lines 38 – 40, lines 43 – 46 'wait for maximum number of rings on the outbound call before it gives up, outbound call recited as to the second station; column 53, lines 43 – 47).

Regarding claims 7, 14, 21, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 2, elements 210, 220; column 6, lines 38 – 42) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 2, elements 201, 202, 205; column 6, lines 30 – 36) and said computer network terminal to said computer network (Fig. 2, elements 293, 215; column 4, lines 9 – 17, personal computers , to be on the same local area network (LAN) as long as they are connected via an IP network).

Response to Arguments

4.   Applicant's arguments filed 6/02/2006 with respect to claims 1 have been fully

considered but they are not persuasive.

Regarding claims 1, 8, 15, Applicant argues reference Vander Meiden does not

teach or suggest extracting a destination address for a subsequently telephone call, and

the terminating party's telephone number is not a destination address for a subsequent

telephone call. Examiner contends reference Vander Meiden does disclose and teach

extracting a destination address for a subsequently telephone call, and the terminating

party's telephone number is a destination address for a subsequent telephone call (see

reference Vander Meiden, column 5, line 17 – 21, column 7, lines 54 – 68). However,

the disclosure provided by the Applicant implies that "VoIP address may contain the

destination telephone number". The recited subject matter "called or terminating

telephone number" is as destination telephone number.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-

3131. The examiner can normally be reached on Monday through Friday from 8:30am -

5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ACL   Aug 17, 2006

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER